

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CORY O. BLACK,

Plaintiff,

v.

MONTGOMERY COUNTY
COURT OF COMMON PLEAS, et.
al.,

Defendants.

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Case No. 3:17-CV-00407
JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #8) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #11);
OVERRULING PETITIONER'S OBJECTIONS THERETO (DOC. ##9,12,
13 AND 16); DISMISSING PETITION FOR WRIT OF HABEAS
CORPUS (DOC. #7) WITH PREJUDICE; JUDGMENT TO ENTER IN
FAVOR OF RESPONDENTS AND AGAINST PETITIONER; DENYING
CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *IN*
FORMA PAUPERIS; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz in his Report and Recommendations (Doc. #8) and his Supplemental Report and Recommendations (Doc. #11), as well as upon a thorough de novo review of this Court's file and the applicable law, the Court ADOPTS said judicial filings in their entirety. Petitioner's Objections to the Report and Recommendations (Doc. ##9, 12, 13 and 16) are OVERRULED for the reasons explained in the Supplemental Report and Recommendations.

Accordingly, the Court DISMISSES the Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus (Doc. # 7) WITH PREJUDICE.

Given that Petitioner has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this court's decision would be objectively frivolous, Petitioner is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Respondents and against Petitioner.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court of the Southern District of Ohio, Western Division, at Dayton.

Date: September 28, 2018

A handwritten signature in black ink, appearing to read 'Walter H. Rice', is written over a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE